



## Zoning Map Change Report

**Meeting Date: May 16, 2011**

Table A: Summary			
Application Summary			
Case Number	Z1000015	Jurisdiction	City
Applicant	Brian Natwick, Crescent Properties	Submittal Date	November 8, 2010
Reference Name	Erwin Square Multi-Family	Site Acreage	6.07
Location	2109 Hillsborough Road, west of Ninth Street between Hillsborough Road and West Main Street		
PINs	0822-18-22-3162 (partial)		
Request			
Proposed Zoning	Residential Compact with a development plan (RC(D))	Proposal	Multi-family with parking deck and amenities
Site Characteristics			
Development Tier	Compact Neighborhood		
Land Use Designation	Design District		
Existing Zoning	Industrial Light (IL)		
Existing Use	Vacant		
Overlays	None	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Ellerbe Creek
Recommendations/Comments/Determination			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval 12 – 0 on April 12, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report, and additional commitments proffered by the applicant.		
DOST	No comment		
BPAC	No comment		

### A. Summary

This is a request to change the zoning designation of 6.07 acres of a 11.578-acre parcel from IL to RC(D) for a multi-family project with a parking deck and amenities. The subject property is located at 2109 Hillsborough Road, west of Ninth Street between Hillsborough Road and West Main Street (see Attachment 1,

Context Map). If approved, this parcel would become split-zoned. Each zone of the parcel would be developable according to the standards set forth in each corresponding zoning district. This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this parcel as Design District.

Appendix A provides supporting information.

## **B. Site History**

This site is within the Ninth Street Compact Neighborhood and, as such, is included in the *Ninth Street Plan* that was approved by City Council on November 17, 2008. Now that this plan is adopted, staff is moving forward with the implementation process to codify the plan's policies.

The first implementation of the plan was Plan Amendment Case A0900001, approved August 3, 2009, to redesignate all of the parcels within the proposed Compact Neighborhood Tier boundary to the Future Land Use Map designation of Design District (DD). The Design District category is meant to better reflect the form-based regulating approach of the *Ninth Street Plan*, as opposed to traditional use-based regulation. This site is a small portion of the total 370.17 acre land area designated as DD on the Future Land Use Map.

This site is also within the West Durham National Historic District, adopted March 26, 1986. The City of Durham has no administrative responsibilities in relation to this National Historic District.

## **C. Review Requirements**

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## **D. Unified Development Ordinance (UDO) Compliance**

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the RC district (Sec. 3.5.6.D and Sec. 6.5. In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Graphic Commitments.** Elements depicted on a development plan (including but not limited to labels and descriptive information) become commitments. A summary of graphic commitments (see Table D5, Summary of Development Plan) includes: building placement, pedestrian circulation, cross access, and private vehicular access drives.

**Text Commitments.** Text commitments have been proffered to commit to requirements in excess of ordinance standards. A summary of these commitments (see Table D5, Summary of Development Plan) includes: building form, building placement, and bicycle parking.

**Design Commitments.** Multi-family residential is the committed use of this site. As such, design commitments are required to be made. See Table D5, Development Plan Summary, for these commitments.

**Determination.** The requested RC zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Attachment 4) shall establish the level of development allowed on the property.

Graphic and text commitments have been proffered to commit this project to conforming to the proposed draft text amendment intended to implement the approved *Ninth Street Plan*. In this light, the text commitment to provide 60 bicycle parking spaces exceeds the present ordinance standard of 14 – 32 spaces (1 per 10 multi-family units) but is less than the proposed 134 – 310 spaces (1 per dwelling unit) proposed in the draft Ninth Street Compact Design District.

## E. Adopted Plans

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested RC zoning district and associated development plan is consistent with *Future Land Use Map* as well as other applicable policies of the *Comprehensive Plan*.

To address the key *Ninth Street Plan* elements identified in the implementation strategies a number of commitments have been proffered. The text in *italics* below indicates how this RC(D) proposal is consistent with the *Ninth Street Plan* and proposed draft text amendment to implement the plan.

**Height** – height within the Core area of this Compact Neighborhood Tier is recommended to be a maximum of 90 feet. This height maximum is intended to allow for the appropriate intensity of development supportive of a transit station. *The maximum height is committed at 75 feet (not including tower elements).*

**Density** – residential density within the Core area of this Compact Neighborhood Tier is recommended to be between 22 and 60 DU/Ac. This ensures an appropriate level of density for optimal use of future regional transit. *The density proposed for this project will be between 22 and 51.07 DU/Ac., or 134 and 310 units.*

**Building Mass and Orientation** – develop appropriate standards to ensure a pleasing pedestrian experience to include: build-to lines, pedestrian accessibility, and design guidelines. *Commitments have been made to establish build-to lines along the frontages that will have vehicular access (north, east, and west), and to provide pedestrian access around the perimeter of the site as well as within the context area. The committed private vehicular access along the northern boundary of the project is consistent with the Ninth Street Plan (Figure 12, Illustrative Street Layout (see Attachment 10)) to accommodate pedestrian connectivity and accessibility. It is also committed that the design will be consistent with one or more frontage type, found in UDO 6.12.2.D, Building and Frontage Types.*

**Open Space** – 1% open space required in the Core per the *Ninth Street Plan*; however, the plan recognizes that there is a greater need for larger open space areas within the district as a whole. *This project commits to 2% open space.*

**Use** – allow residential use with densities that facilitate transit-oriented development. *The RC district allows for residential density that facilitates transit-oriented development. This project will be a multi-family project between 22 and 51.07 DU/Ac.*

**Design Guidelines** – facilitate building and streetscape standards to promote visual harmony and creative design solutions. *The proposal provides design commitments that facilitate building and streetscape standards and is consistent with the latest text proposal of the Compact Design District Draft Text Amendment that proposes that a project utilize a frontage type from UDO 6.12.2.D, Frontage and Building Types. Frontage Types define the interface of the development with the streetscape.*

## **F. Site Conditions and Context**

**Site Conditions.** This site is mostly vacant (see Attachment 3, Aerial Photography) with the exception of a small gravel parking area and a paved lot in the southwest of the site. The remainder of the site has previously been prepared for development by clearing and grading. The soil is stabilized with grass and gently slopes approximately 25 feet from the northwest to the southeast. There are specimen oak trees along the western boundary.

**Area Characteristics.** This site is within the Core area of the Ninth Street Compact Neighborhood Tier. Due to its close proximity to major destinations such as Duke University, and access to an existing rail corridor, the Ninth Street area was selected

for a station for the planned regional rail line by the Triangle Transit Authority. Pedestrian activity is prevalent and encouraged in this area.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed RC(D) district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses. The development plan commits to preserving the specimen trees along the western boundary adjacent to the private drive where street trees are not required by ordinance.

## G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request. See Appendix G for additional information.

**Determination.** The proposed RC district and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

## H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

The present designation of IL would allow a range of uses but would not allow residential. On the contrary, the *Ninth Street Plan* encourages development supportive of transit ridership including multi-family development. The proposed RC district and associated development plan allows residential development that is conducive to supporting transit and provides commitments for consistency with the proposed draft text amendment that would implement the recommendations of the *Ninth Street Plan*.

## I. Contacts

Table I: Contacts		
Staff Contact		
Amy Wolff, Planner	Ph: 919-560-4137, ext: 28235	Email: <a href="mailto:Amy.Wolff@durhamnc.gov">Amy.Wolff@durhamnc.gov</a>
Applicant Contact		
Agent: Bob Zumwalt, The John R. McAdams Company, Inc.	Ph: 919-361-5000	Email: <a href="mailto:Zumwalt@johnrrmcadams.com">Zumwalt@johnrrmcadams.com</a>

## **J. Notification**

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Friends of Durham
- Fayetteville Street Planning Group
- Unity in the Community for Progress
- Partner's Against Crime – District 2
- Partner's Against Crime – District 5
- TTA Station Sites
- Friends of South Ellerbee Creek
- Ellerbee Creek Watershed Association
- Old West Durham

## **K. Summary of Planning Commission Meeting April 12, 2011 (Case Z1000016)**

**Zoning Map Change Request:** IL to RC(D)

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Chair Brown opened the public hearing. Four people spoke in favor and no one spoke in opposition. Chair Brown closed the Public Hearing.

**Commission Discussion:** Commission discussion centered around design commitments and transit accommodations.

**Motion:** Recommend Approval (Mr. Davis, Mr. Brine 2<sup>nd</sup>)

**Action:** Motion carried, 12-0

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report, and additional commitments proffered by the applicant.

## L. Supporting Information

Table K: Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Development Plan</li> <li>5. Application</li> <li>6. Owner's Acknowledgement</li> <li>7. Submittal and Review History</li> <li>8. DDOT TIA Memorandum</li> <li>9. NCDOT TIA Memorandum</li> </ol>
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans Attachments: <ol style="list-style-type: none"> <li>10. Ninth Street Plan Figure 12, Illustrative Street Layout</li> </ol>
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> <li>11. Planning Commissioner's Written Comments</li> <li>12. Ordinance Form</li> </ol>

## Appendix A: Application Supporting Information

### Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Development Plan
5. Application
6. Owner's Acknowledgement
7. Submittal and Review History
8. DDOT TIA Memorandum
9. NCDOT TIA Memorandum

## Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
RC	<b>Residential Compact:</b> the RC district is established to promote well-integrated new residential and civic development close to designated and future regional transit stations and is intended to ensure that new development takes advantage of compatible, higher density, transit-friendly design opportunities. Density in the Core Area can be within a range of 12.0 and 52.5 dwelling units per acre. While RC is a residential district, certain nonresidential uses may be sought through a special use permit or other limited provisions of the ordinance.
D	<b>Development Plan:</b> the letter "D" following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements - RC			
	Code Provision	Required	Proposed
Residential Density (DU/Ac.)	6.5.1.A	12.0 – 52.5	22.0 – 51.07
Open Space (% of gross area)	6.5.1.A	2.0	2.0
Lot Width (minimum)	7.1.10.B	75	480*
Height (feet)	6.5.1.A	24 – 75	24 – 75

\*The lot width is for the parcel which is larger than the area being rezoned.



<b>Table D3. Environmental Protection</b>
This site does not contain any conditions regulated by Article 8, Environmental Protection.

<b>Table D4. Project Boundary Buffers</b>
This site is within the Compact Neighborhood Tier and is not adjacent to in the Suburban or Urban Tier. Therefore, per UDO Sec. 9.4.1B, project boundary buffers are not required.

<b>Table D5. Summary of Development Plan</b>		
<b>Components</b>	<b>Description</b>	<b>Development Plan Sheet</b>
<b>Required Information</b>	<b>Intensity/Density.</b> Residential units: 134 minimum to 310 maximum	DV-1
	<b>Building /Parking Envelope</b> is appropriately identified.	DV-1
	<b>Project Boundary Buffers.</b> This project is within the Compact Neighborhood Tier, therefore buffers are not required.	n/a
	<b>Stream Crossing.</b> No streams identified on this site.	n/a
	<b>Access Points.</b> This site does not have direct access to existing roads. However, private drive access points have been identified.	DV-1
	<b>Dedications and Reservations.</b> None required or recommended for this site.	n/a
	<b>Impervious Area.</b> Proposed impervious surface for the site is 98% (5.948 acres)	DV-1
	<b>Environmental Features.</b> There are no policy or UDO-protected environmental features identified.	n/a
	<b>Areas for preservation.</b> There were no conditions identified that require preservation.	n/a
	<b>Tree preservation.</b> Tree preservation is not required in the Compact Neighborhood Tier.	n/a
<b>Graphic Commitments</b>	<b>Pedestrian Circulation.</b> Pedestrian circulation is shown around the perimeter of the site.	DV-1
	<b>Access Drives.</b> Two private access drives with cross access easements are shown.	DV-1
	<b>Building Placement:</b>  <b>North</b> – 12-foot build-to <b>South</b> – 10-foot setback <b>East</b> – 12-foot built-to <b>West</b> – 27-foot build-to for preservation of existing	DV-1

	specimen trees	
	<b>Open Space.</b> 2.0 %	DV-1 note
	<b>Height.</b> 24 – 75 maximum (not to include tower elements)	DV-1
<b>Text Commitments</b> <i>(italicized commitments added as a result of the Planning Commission hearing)</i>	<ol style="list-style-type: none"> <li>1. The portion of the building facades used to satisfy frontage type requirements shall be wither forecourt or courtyard types and subtypes to these types (as defined in UDO 6.12.2D); provided however, up to 100 linear feet of one façade may be the storefront type as defined in UDO 6.12.2D.</li> <li>2. Project will provide a minimum 60 bicycle parking spaces.</li> <li>3. The project proposed a 27-foot build-to line from the back of curb along the western property line in order to preserve the specimen oak trees located approximately 8 feet from the back of curb. The project will be designed to preserve these trees. In the event a tree dies, the developer commits to replacing that tree with a 6-inch caliper oak tree of the same species.</li> <li>4. <i>Developer agrees to contribute up to \$5,000.00 (five thousand) dollars toward the cost of a bus shelter located within one quarter mile of the project. The bus shelter location will be selected and approved by City Transportation and DATA prior to payment by the developer. City Transportation and DATA must place the bus shelter within one year of the date of the last certificate of occupancy for the project. The developer shall make payment to the City of Durham within 90 days of written notice of the bus shelter placement from the City Transportation Department.</i></li> </ol>	Cover
<b>SIA Commitments</b>	Stormwater commitments have not been proffered as a result of the SIA checklist.	n/a
<b>TIA Commitments</b>	The Traffic Impact Analysis resulted in no required improvements for this project.	n/a
<b>Design Commitments</b> <b>(Underlined items were added or significantly modified as a</b>	<b>1.Architecture</b> <ol style="list-style-type: none"> <li>a) <u>The portion of the facades used to meet frontage type requirements, exclusive of window and door openings, shall be clad with a minimum of 70% brick, terra cotta, or stone (including cast stone) masonry.</u></li> <li>b) <u>The portion of the facades that are not used to meet frontage type requirements, exclusive of window and</u></li> </ol>	Cover

<p>result of negotiations with neighborhood advocates)</p>	<p><u>door openings, shall be clad with a minimum of 15% brick, terra cotta, or stone (including cast stone) masonry.</u></p> <p>c) <u>In areas where brick, terra cotta or stone (including cast stone) masonry are used in conjunction with another material in a vertical file, the brick, terra cotta or stone (including cast stone) masonry shall be utilized on the lower portion of the building, with the exception of corners, pilasters, piers and buttresses.</u></p> <p>d) <u>Where brick masonry is used for any façade, a minimum of 30% of the brick shall be laid in common bond (one course of headers for every four or five courses of stringers).</u></p> <p>e) <u>Window, balcony, and door openings on the portion of the facades used to meet frontage type requirements shall be arranged in regular vertical columns and horizontal rows that are arranged in rhythmic order. As such, each individual window, balcony, and door in each vertical column and horizontal row on such facades shall vary in width no more than 10% from widest-to narrowest and tallest to shortest. See figure 43 (sheet DV-2) for an exhibit which provides further clarity.</u></p> <p>f) <u>All windows shall be divided into at least four panes (except transom windows, side lights or storefront windows which shall be exempt from this provision).</u></p> <p>g) <u>Except for tower elements, there shall be no more than six windows, doors, or balconies organized within any vertical column. See figure 43 (sheet DV-2) for an exhibit which provides further clarity.</u></p> <p>h) <u>There shall be no more than three tower elements within the development. If a tower element is used, it shall not exceed 35 feet in width or depth.</u></p> <p>i) <u>Building Materials List (exterior vertical surfaces) - Materials to be used for exterior vertical surfaces shall include a combination of one or more of the following: brick or stone masonry, terra cotta, tile, wood, stucco, cast stone, stone veneer, cementitious board or panel siding, or concrete. The following materials shall not be allowed: concrete (unless it is parged and/or decorative in nature), aluminum or other metals, masonite, vinyl or other fiber or resin products.</u></p> <p>j) <u>Building Materials List (exterior horizontal surfaces) – Materials to be used for exterior horizontal surfaces shall include a combination of one or more of the following: brick or stone masonry, terra cotta, tile, wood, stucco, cast stone, stone veneer, parged or</u></p>	
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	<p><u>decorative concrete. Floors, decking and walkways shall include a combination of one or more of the following: brick or stone masonry, terra cotta, tile, cast stone, stone veneer, concrete, and/or artificial wood products. Exterior ceilings shall include a combination of one or more of the following: brick or stone masonry, terra cotta, tile, wood, stucco, cast stone, stone veneer, painted or colored concrete or gyp board.</u></p> <p>k) <u>Building Materials List (roofing) - Roofs which are visible at grade from adjacent projects shall be metal, architectural shingle, terra cotta, slate, or artificial slate.</u></p> <p>l) <u>Doors and window frames shall be made of metal, fiberglass, wood and/or vinyl. Railings shall be made of wood, artificial wood products, or metal.</u></p> <p>m) <u>No fewer than 50% of ground floor dwelling units shall have individual, private entrances onto stoops, balconies, or forecourts. When such features are located within courtyards that have a width less than or equal to 40 feet and are above ground level, the maximum height to the finished floor level shall not exceed 50 inches.</u></p> <p>n) <u>Building Colors - A combination of one or more colors shall be utilized; the predominant color for the exterior façade shall include one or more of the following: red, tan, gray, brown, white or a variation of these colors. Other colors shall be allowed for trim and as accents only.</u></p> <p>o) <u>The designs for windows, window framing and surrounds, doors, door framing and surrounds, archways or other openings for entrance and exit shall substantially conform to one or more of the figures for such features attached as Figures 1 through 9 (sheet DV-2), as determined by the Planning Director.</u></p> <p>p) <u>The designs for panels, piers, cornices, parapets, copings, and pediments shall substantially conform to one or more of the figures for such features attached as Figures 4 and 10 through 14 (sheet DV-2), as determined by the Planning Director.</u></p> <p>q) <u>The designs for balconies, stairs, stoops, and railings shall substantially conform to one or more of the figures for such features attached as Figures 15 through 23 (sheet DV-2), as determined by the Planning Director.</u></p> <p>r) <u>The project may include one water tower and one stack substantially conforming in design to one or</u></p>	
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	<p><u>more of the figures for such features attached as Figures 24 through 29 (sheet DV-2), as determined by the Planning Director.</u></p> <ul style="list-style-type: none"> <li>s) Changes in horizontal exterior building materials shall only occur at defined lines, edges, or elements.</li> <li>t) Any corner tower element shall wrap both sides of the corner and be articulated as a distinct vertical element. This element shall not appear merely as a co-planar extension of the main façade.</li> <li>u) Seating (streetscape amenities) – one linear foot of seating shall be provided as part for every 15 linear feet of street frontage (est. 50 linear feet of seating) shall be provided as a part of the streetscape.</li> <li>v) <u>Solid Waste Receptacles (streetscape amenities) – one receptacle shall be provided for every 150 linear feet of street frontage (est. 5 receptacles) shall be provided as a part of the streetscape.</u></li> </ul> <p><b>2. Description of How the Proposed Design Will Fit Into the Context Area:</b></p> <p><u>The multi-family structures will be located immediately west of the Ninth Street commercial district which has served as the central shopping area for this portion of the city for many years. This portion of Durham contains a unique collection of historic structures that give Ninth Street the character it is known. The design of this project will be crafted to echo these historic qualities both in form and material.</u></p> <p>In order to achieve this, the proposed design shall incorporate elements from the Ninth Street Compact Design District as follows:</p> <ul style="list-style-type: none"> <li>a) A minimum of 30% glazing will be provided on exterior façades <u>which are forecourt or courtyard types and subtypes to these types</u> (as defined in UDO 6.12.2D).</li> <li>b) All required non-residential street level glazing shall have transparent glass. Mirrored and frosted glass shall not be used to meet transparency requirements.</li> <li>c) <u>The building design shall be varied or employ a level of architectural detailing sufficient to ensure visual interest (i.e. Recesses and projections, changes in building materials, changes in fenestration patterns, roofline variations, decorative elements and/or building material color variations). These design variations shall be substantially consistent with the historic mill buildings to the east.</u></li> <li>d) <u>Buildings facing adjacent projects on two sides of a</u></li> </ul>	
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	<p><u>corner shall be designed with facades of similar architectural expression and articulation.</u></p> <p><b><u>3. Buffers and Vegetation</u></b></p> <ul style="list-style-type: none"> <li>a) <u>Northern property boundary – Trees along this boundary shall be a minimum 4 inch caliper (dBh) at the time of planting.</u></li> <li>b) <u>Southern property boundary – Deciduous canopy trees shall be planted at a minimum 65-foot interval, unless infeasible due to fire access requirements as determined by Planning Director. These trees shall be a minimum 6 inch caliper (dBh) at the time of planting.</u></li> </ul> <p><b><u>4. Use and Density</u></b></p> <ul style="list-style-type: none"> <li>a) <u>The property's primary use shall be residential.</u></li> <li>b) <u>Each unit shall be individually metered, or sub-metered, for water and electric utilities.</u></li> </ul> <p><b><u>5. Parking, Roadways, and Sidewalks</u></b></p> <ul style="list-style-type: none"> <li>a) <u>There shall be no more than 35 surface parking spaces which serve the property and are also visible from a public right of way as viewed at grade. Any additional surface parking spaces shall not be visible from view from a public right of way as viewed at grade.</u></li> <li>b) <u>A parking structure, if utilized, shall be entirely enclosed within the residential buildings of the project and shall not be visible from a public right of way as viewed from grade, with the exception of two vehicular entrances, each no greater than 35 feet wide and 20 feet high, and no more than five separate pedestrian entrances each no greater than 12 feet wide and 20 feet high (if pedestrian and vehicular entrances are located together in the same entry passage, they shall be no greater than 40 feet wide).</u></li> </ul> <p><b><u>6. Signs</u></b></p> <ul style="list-style-type: none"> <li>a) <u>There shall be no more than two (2) signs equal to or less than 2 ½ x 4 feet which employ lights concealed behind raised opaque letters and/or figures. No other back-lit, neon, or interior lighted box signs shall be permitted.</u></li> <li>b) <u>Signs may be spot lit or foot lit.</u></li> <li>c) <u>Free standing signs shall be no larger than 10 feet X 6 feet.</u></li> <li>d) <u>There shall be no more than two (2) signs equal to or less than 30 feet x 5 feet which are mounted in</u></li> </ul>	
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	<p><u>panels on the building.</u></p> <p><b><u>7.Exterior Lighting</u></b></p> <p>a) <u>Each exterior light fixture mounted on the buildings shall be substantially similar to the fixtures shown in Figures 8, 16 and 35 through 41 (sheet DV-2), as determined by the Planning Director.</u></p> <p>b) <u>Each pole light used to illuminate surface parking, sidewalks, streets and roadways shall be substantially similar to the fixtures shown in Figures 30 through 34 (sheet DV-2), as determined Planning Director.</u></p>	
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## Appendix E: Adopted Plans Supporting Information

Table E: Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Design District
2.2.2b	Demand for Residential Land
2.3.4b	Compact Neighborhood Tier Land Uses
2.3.4c	Compact Neighborhood Residential Density
2.3.4i	Compact Neighborhood Build-To Lines
2.3.4n	Compact Neighborhood Tier Buffers
8.1.2m	Transportation Level of Service
9.4.1a, b	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service
<i>Ninth Street Plan</i>	
<p><b>Key Ninth Street Plan Elements:</b></p> <p><b>Height</b> – height within the Core is recommended to be a maximum of 90 feet. This height maximum is intended to allow for the appropriate intensity of development supportive of a transit station.</p> <p><b>Density</b> – residential density within the Core should be between 22 and 60 DU/Ac. This ensures an appropriate level of density for optimal use of future regional transit.</p> <p><b>Building Mass and Orientation</b> – appropriate regulations to ensure a pleasing pedestrian experience. These include: build-to lines, pedestrian accessibility, and design guidelines.</p> <p><b>Open Space</b> – 1% open space required in the Core</p> <p><b>Use</b> – allow residential use with densities that meet transit-oriented development</p> <p><b>Design Guidelines</b> – building and streetscape standards to promote visual harmony and creative design solutions.</p>	

### Attachments

10. Ninth Street Plan Figure 12, Illustrative Street Layout

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Vacant	IL	n/a
East	Commercial	CG, CC	n/a
South	Vacant, ~500 feet of right-of-way	IL, RU-M	n/a
West	Commercial, office, multi-family residential	IL, RC(D)	n/a

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
West Main Street and Hillsborough Road are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments	West Main Street	Hillsborough Road
Current Roadway Capacity (LOS D) (ADT)	24,700	15,600
Latest Traffic Volume (AADT)	9,200	9,100
Traffic Generated by Present Designation (average 24 hour)	6,342*	
Traffic Generated by Proposed Designation (average 24 hour)	2,013**	
Impact of Proposed Designation	-4,329	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

West Main Street: 4-lane undivided major city/county roadway without left-turn lanes

Hillsborough Road: 3-lane major city/county roadway with left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

\*Assumption (Max Use of Existing Zoning) – 90,000 sq.ft. retail (15,000 sq.ft./acre)

\*\*Assumption (Max Use of Proposed Zoning) – 310 apartments

Table G2. Transit Impacts
Transit service is provided adjacent to the site along Hillsborough Road via DATA route #11 and within ¼ mile of the site on West Main Street (east of Ninth Street) via DATA's Bull City Connector. The proposed site is located within ¼ mile of the proposed TTA rail station near Ninth Street and West Main Street.

Table G3. Utility Impacts
The site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan submittal.



<b>Table G5. School Impacts</b>			
The proposed zoning is estimated to generate a total of 65 students. This represents an increase of 65 students over the existing zoning district which does not allow residential development. Durham Public Schools serving the site are E. K. Powe, Brogden Middle School, and Riverside High School.			
<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	15,972	8,523	9,971
<b>Maximum Building Capacity (110% of Building Capacity)</b>	17,569	9,375	10,968
<b>20<sup>th</sup> Day Attendance (2010-11 School Year)</b>	16,027	6,723	9,639
<b>Committed to Date (April 2008 – March 2011)</b>	409	133	85
<b>Available Capacity</b>	1,022	2,656	1,222
<b>Potential Students Generated – Current Zoning*</b>	0	0	0
<b>Potential Students Generated – Proposed Zoning**</b>	39	14	14
<b>Impact of Proposed Zoning</b>	38	14	13

\*Assumption- (Existing Zoning)–IL: no residential allowed

\*\*Assumption- (Proposed Zoning) – RC(D): 310 apartments

<b>Table G6. Water Supply Impacts</b>	
If redevelopment to maximum intensity the water supply impact is estimated to generate a demand for water of 36,570 gallons per day (GPD). This represents an increase of 25,320 GPD in water usage over the existing estimated water usage of the site.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	20.19 MGD
<b>Approved Zoning Map Changes (April 2008 – March 2011)</b>	1.45 MGD
<b>Available Capacity</b>	15.36 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	11,250 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	36,570 GPD
<b>Potential Impact of Zoning Map Change</b>	25,320 GPD
Notes: MGD = Million gallons per day	

\*Assumption- (Existing Zoning) – IL: 90,000 sq.ft. retail (15,000 sq.ft./acre)

\*\*Assumption- (Proposed Zoning) – RC(D): 310 apartments

## Appendix K: Summary of Planning Commission Meeting Supporting Information

### Attachments

11. Planning Commissioner's Written Comments
12. Ordinance Form